

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ALISHA R SILBAUGH,

11 Plaintiffs,

12 v.

13 DEPARTMENT OF HOMELAND
14 SECURITY, *et al.*,

15 Defendants.
16

Case No. C18-569RSM

ORDER DENYING MOTION TO
APPOINT COUNSEL

17 This matter comes before the Court on Plaintiff Alisha R. Silbaugh's Motion to Appoint
18 Counsel, Dkt. #6. No Defendant has appeared in this matter.

19 In civil cases, the appointment of counsel to a *pro se* litigant "is a privilege and not a
20 right." *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation
21 omitted). "Appointment of counsel should be allowed only in exceptional cases." *Id.* (citing
22 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together "both the
23 likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se*
24 in light of the complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954
25 (9th Cir. 1983). In "exceptional circumstances," a district court may appoint counsel for indigent
26
27
28

1 civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997),
2 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).

3 Ms. Silbaugh has failed to set forth exceptional circumstances warranting the appointment
4 of counsel in this case. She has demonstrated sufficient ability to articulate her claims.
5 Furthermore, the Court is aware that Ms. Silbaugh has counsel in a civil case with at least some
6 apparent connection to the instant case, Case No. 17-cv-01759, currently proceeding in this Court.
7 Given all of the above, this Motion will be denied.
8

9 Having considered Plaintiff's Motion and the remainder of the record, this Motion is
10 DENIED.

11 DATED this 30 day of April 2018.
12

13 
14

15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28